

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FILED

2014 AUG -5 P 3: 03

U.S. BANKRUPTCY COURT  
E.D. MICHIGAN - DETROIT

CARL WILLIAMS AND HASSAN ALEEM  
Creditor

v

In re:  
CITY OF DETROIT, MICHIGAN  
AND EMERGENCY MANAGER  
KEVYN D. ORR

Chapter 9  
Case No. 13-53846  
Hon: Steven W. Rhodes

Debtor

**OBJECTION TO NO EVIDENTIARY HEARING ON JURISDICTION**

THE FOURTH AMENDMENT NOTICE WAS AFTER THE FACT, AND THERE WAS NO FIFTH AMENDMENT NOTICE IT WAS UNTIMELY, CONTRARY TO THE FACTS AND LAW MISREPRESENTATION OF THE BANKRUPTCY CODE AND RULES AND HAS NOT BEEN PRESENTED IN A GOOD FAITH MANNER.

We/I object to the Plan of Adjustment and Confirmation of the Plan because the court lack jurisdiction over the proper person that is Kevyn Orr the emergency manager, because he not an elected official, nor was any consent given voluntary or otherwise. See Bankruptcy City of Harrisburg Pennsylvania, 465 B.R. 744 (Bankr. M.D.Pa 2011), In this case the court determined that this case should be dismissed because the City Council did not have the authority

under the chapter law and third class city code to commence a bankruptcy case on the behalf of the city of Harrisburg and (2) the city of Harrisburg was not specifically authorized under state law to be a debtor under chapter 9 of the Bankruptcy code as required by 11 USC sect 109 (c) (2). In this case the circumstances are the same both officials are not authorized to file for Bankruptcy and Detroit have no legal state authority to be a debtor therefore, the court lack jurisdiction over the person which is Kevyn Orr and the subject matter being Bankruptcy and violated 11 U.S.C. 109 (c). "Only a municipal may file for relief under chapter 9 for bankruptcy." and Fed. R. Civ. Proc Rule 12 b (1), (2) and (h3) and the case should be dismissed.

Whenever it appears by suggestion of the parties or otherwise that the court lack jurisdiction of the subject matter, the court shall dismiss the action. Fed R. Civ Proc. 12 (h) (3).

The bankruptcy was not file and has not proceeded in good faith manner and contravened the bankruptcy codes 11 USC 903, 904, 923 and Fed.R.Bankr. P. 9007, 9008, thus has failed to meet the requirement of title 11 U.S.C. 903,904, 923 and Bankruptcy Procedures Rules 9007and 9008 and has failed to meet the requirement of title 11 U.S.C. 921 (c) and should be dismissed, as required by 11 U.S.C. 921 (c).

We object because the court lacks jurisdiction and object under any continuing illegal jurisdiction of the case under any circumstance, however, if the court had jurisdiction "once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction," the court has no authority to reach merits, but, rather, should dismiss the action." *Melo v. US* 505 F2d 1026 8<sup>th</sup> Cir 1974. There is no discretion to ignore that lack of jurisdiction. "Joyce *US* 4747 F2d 215 3<sup>rd</sup> Cir 1973. The burden shifts to the court to prove jurisdiction." *Rosemond v. Lambert* 469 F2d 416. The court must prove on the record, all jurisdiction facts related to the jurisdiction asserted. *Lantana v. Hopper*, 102 F2d 188; *Chicago v. New York* F supp 150.

The Order on the bankruptcy should be dismissed because Kevyn Orr is not an elected official and failed to get approval from the city therefore, the court lacks jurisdiction over the person the Emergency Manager, Kevyn Orr and lack's jurisdiction over the subject matter bankruptcy. The Jurisdiction is invalid and unconstitutional because the person was an unelected official and was not legally authorized to file for bankruptcy and the City of Detroit never legally agreed, approved or consented to the bankruptcy. There should have been at least an evidentiary hearing on the jurisdiction before moving forward.

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Shedra Thompson

Address 2333 Prince Hall Dr

City, State, & Zip Det MI 48207

Date 8/4/14

Sign Eric Guffin

Address 15005 PIEDMONT ST.

City, State, & Zip DETROIT MI 48223

Date 8-4-14

Sign Belinda Horvace

Address 20420 Craglin

City, State, & Zip Det MI 48234

Date 8/4/2014

Sign Josée Horvace Sr.

Address 20420 Craglin

City, State, & Zip Det MI 48234

Date 8/4/2014

Sign Berlin Farkit

Address 17160 Harlow St.

City, State, & Zip Rochester, Mich. 48235

Date 8/4/14

Sign William M. Davis

Address 9203 Littlefield

City, State, & Zip Detroit, Mich 48228

Date 08/04/2014

Sign Mary Diane Bohawski

Address 9000 E. Jefferson #28-2

City, State, & Zip Detroit Mich 48214

Date 8/4/2014

Sign Rassan Allen

Address 2440 TAYLOR

City, State, & Zip DETROIT, MICH 48201

Date 8/4/14

Sign Cord Williams

Address 1012 Somerset

City, State, & Zip Detroit Michigan 48224

Date 8/4/14

Sign \_\_\_\_\_

Address \_\_\_\_\_

City, State, & Zip \_\_\_\_\_

Date \_\_\_\_\_

Sign \_\_\_\_\_

Address \_\_\_\_\_

City, State, & Zip \_\_\_\_\_

Date \_\_\_\_\_

Sign \_\_\_\_\_

Address \_\_\_\_\_

City, State, & Zip \_\_\_\_\_

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KEVYN D. ORR  
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Hon: Steven W. Rhodes

**PROOF OF SERVICES**

Carl Williams, being first duly sworn deposes and  
your name

Say that on August 4 2014. I sent a copy of Objection to the Fourth and Fifth  
Amendment Plan of Adjustment because of no evidentiary hearing on  
Jurisdiction, Upon the concern parties by certified mail at the following  
address:

City of Detroit  
Corporation Council  
First National Building  
600 Woodward Ave  
Detroit, Michigan 48226

Emergency Manager  
Kenyn Orr  
Coleman A Young Municipal Center  
2 Woodward 11th floor  
Detroit, Michigan 48226

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Carl Williams

Dated August 4, 2014